

ZB# 99-49

Duffer's Hide-a-Way

9-1-25.21

Pelam.

Nov. 8, 1999.

Notice to Sen. David H. H. H.

Public Hearing:-

Dec. 13, 1999.

Area Variance

Approved

5-0.

Refunded:

\$380.50

#99-49

Duffer's Hide-a-Way
area.

9-1-25.21





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Ingelli-Hiers

FILE# 99-49

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

paid ck # 1048

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

11/12/99

DISBURSEMENTS:

ck # 1047.

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 11/8/99-5 \$ 22.50

2ND PRELIMINARY- PER PAGE 12/13/99-6 \$ 27.00

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 49.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 11/8/99 \$ 35.00

2ND PRELIM. 12/13/99 \$ 35.00

3RD PRELIM. \$

PUBLIC HEARING. \$

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 119.50

LESS ESCROW DEPOSIT \$ 500.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT. \$ 380.50



DUFFER'S HIDE-A-WAY, INC.
GOLF CENTER
139 WINDSOR HIGHWAY
NEW WINDSOR, NEW YORK 12553
PHONE: (914) 562-8310



ELLENVILLE
NATIONAL
BANK
NEWBURGH,
NY 12550

50-1241/219

1047

11-12-99

TO THE
ORDER OF

Town of New Windsor

\$ 500.00

FIVE HUNDRED 00/100

DOLLARS

[Signature]

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

001047 021912410 09 100 346



DUFFER'S HIDE-A-WAY, INC.
GOLF CENTER
139 WINDSOR HIGHWAY
NEW WINDSOR, NEW YORK 12553
PHONE: (914) 562-8310



ELLENVILLE
NATIONAL
BANK
NEWBURGH,
NY 12550

50-1241/219

1048

11-12-99

TO THE
ORDER OF

Town of New Windsor

\$ 150.00

[Signature]

20/100 DOLLARS

[Signature]

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

#99-49

001048 021912410 09 100 346

Date _____

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Druffen's Hide-a-Way, Inc. DR.
134 Windsor Highway, New Windsor, N.Y. 12553

DATE	CLAIMED	ALLOWED
1/11/00 Refund of Escrow Rep. # 99-49	\$380.50	
Approved: Patricia A. Bunkart ZBA		

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

No.

Town of New Windsor

.....

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed

for the sum of

\$

.....

Clerk

In the Matter of the Application of

**GERARD IMPELLITTIERE
DUFFER'S HIDE-A-WAY**

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES**

#99-49.

WHEREAS, GERARD IMPELLITTIERE of Duffer's Hide-A-Way, 139 Windsor Highway, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for a 22 ft. front yard variance for parking lot, 23 ft. maximum building height variance for poles and 5.5% developmental coverage for reconstruction of driving range enclosure and additional parking spaces at Duffer's Hide-A-Way at the above location, in a C zone; and

WHEREAS, a public hearing was held on the 13th day of December, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared with Gregory Shaw, P. E. for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located in a neighborhood of commercial properties.

(b) The property is located on a busy state highway in a predominately commercial area.

(c) The property is improved with a golf driving range, golf pro shop, batting cages,

and miniature golf.

(d) The Applicant seeks to reconstruct and reconfigure the parking lot and the practice tees for the driving range.

(e) The Applicant previously received a height variance to allow him to construct safety netting around the perimeter of the property. The Applicant now seeks to construct additional safety netting to protect part of the property from errant shots from the driving range.

(f) The three new poles with protective netting proposed by the Applicant will be identical to the poles presently located around the perimeter of the site.

(g) The Applicant seeks to expand the parking area toward the state right-of-way on Route 32. A variance is sought because the zoning code requires that a golf facility be no closer than 25 ft. from any property line.

(h) The proposed parking lot, if permitted, will be an expansion thus increasing the percentage of developmental coverage.

(i) The expansion, if permitted, will not create any additional water drainage or run off to the neighbors as the increase impervious area is minimal.

(j) The increased area, if permitted, will not create any ponding or collection of water.

(k) The additional construction will not be built on the top of any water or sewer easement. The height variance is for the minimum netting that the Applicant feels is necessary for safety purposes.

(l) The netting, if permitted, will conform in appearance in height to what is on the site presently.

(m) The property is located adjacent to a mini-storage facility and an apple orchard.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations, but

nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances as previously stated are reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.

8. The interests of justice will be served by allowing the granting of the requested area variances.

The granting of these variances are conditioned on no parking of vehicles other than two-axle, passenger vehicles in front of the buildings on the premises and no parking of vehicles of any kind on the drainage easement at the rear of the premises.

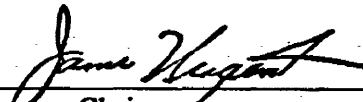
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 22 ft. front yard variance for parking lot, 23 ft. maximum building height for poles and 5.5% developmental coverage for reconstruction of driving range enclosure and additional parking spaces at Duffer's Hide-A-Way located at 139 Windsor Highway, New Windsor, N. Y., in a C zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: March 27, 2000.


Chairman

Date 11/17/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550 DR.

DATE			CLAIMED	ALLOWED
11/8/99		Zoning Board Mtg	75 00	
		Misc - 2		
		Duffer's - 5 ✓		
		Boss - 10		
		Aldridge - 4		
		H-Z Development - 4		
		Maurice - 12		
		Windsor Academy - 3	180 00	
		40		
			255 00	

PRELIMINARY MEETINGDUFFER'S HIDE-A-WAY

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: My name is Greg Shaw from Shaw Engineering. I'm representing Duffer's Hide-A-Way this evening. Recently, we received approval from the Town of New Windsor Planning Board for a new driving range enclosure that's indicated on the drawing. It's going to be a two tier although one story driving enclosure with 15 bays on the lower level, 15 bays on the upper level. And as I said, that was recently approved by the planning board. That was Phase 1 of the project and we're now back before the planning board for Phase 2 of the project and Phase 2 encompasses an expansion of the existing parking area and also the construction of three new poles 50 feet high in the interior of the site with protective nettings. We were before the planning board and we did get a rejection because we need three variances from this board, one of which is that with this property being in the C zone, and being a recreation facility, we have to comply with Section 48-21 A of your zoning law. And when you go to that section, it states that for a recreational area, the parking area has to be a minimum of 25 feet from the nearest property line. Presently, we're 24 feet away from the nearest property line and we would like to get a variance for 22 feet as the new edge of the parking area would only be three feet off the property line. The second variance would be for the poles themselves. While there are 50 foot high poles on the perimeter of the property and the board did grant a variance for that I believe approximately ten years ago, there are three new poles that are proposed to be installed, again 50 feet high and they are within all the setbacks of the site and the purpose of the poles is to protect whatever lessons may be going on in the rear of the building from the concrete pad, from a sand trap and from a putting green to, again, the purpose of the new poles is to protect the people in the rear of the building. And having 50 feet high deters balls from flying off to the south where there can be an errant

ball traveling from the driving range as we all well know. The third variance is for developmental coverage. The zoning code requires a maximum development coverage of ten percent, which is quite restrictive. Presently on the site and I'm sure most of the board members have been passed there, it's 14.4 percent, we're in excess presently of the 10 percent limitation, as I said, which is very restrictive. With the new parking spaces, we're going to be increasing approximately 1.1 percent so we'll be increasing from 14.4 to 15.5 and again, the zoning allows only 10 percent so we'd be looking for a variance of that difference which would be 5.5 percent. So, in summary, the new driving range enclosure is approved, it is under construction now. With the upgrading of the facility, there's also a need to provide additional parking spaces again with the 25 foot setback to the nearest property line, I can see where that would probably be germane next to a side lot line, another piece of property, a residence possibly, but this is to a state highway, and I think it's more important for the people to have a place to park, especially when there's room, than possibly have them parking out on the state highway. Not that they do now, but again, with the upgrading of the facilities, hopefully there's going to be more people who are going to enjoy the facilities. Therefore, we'd need more parking to go along with it. So, that's a brief overview. Again, I tried to give you the overall plan showing the property in its entirety and get a blow-up of that area, which is going to contain the improvements.

MR. NUGENT: I have one question. The new parking places that are going to be against the highway, they are lower than the highway, correct?

MR. SHAW: Correct.

MR. NUGENT: Is there any kind of protection to protect them from a car coming off the highway and into them?

MR. SHAW: No, no more than there is now.

MR. NUGENT: There's no guardrails?

MR. SHAW: No, there's no guardrails.

MR. NUGENT: Okay. And the second question I had was explain this setback that you want on the side yard from what area?

MR. SHAW: Okay, it's not from the side yard, where we are.

MR. NUGENT: From here?

MR. SHAW: Correct.

MR. NUGENT: These are okay, this building's okay?

MR. SHAW: Yes, the building setbacks are fine. It's just that in 48-21 A, we have to keep our parking areas 25 feet from the nearest property line and by extending the parking area towards the state highway, we're encroaching into that 25 feet so we'd need a variance from that.

MR. REIS: Greg, that's six parking places, basically?

MR. SHAW: Well, it's more than that.

MR. NUGENT: Twenty total.

MR. REIS: There's parking in the front there now.

MR. SHAW: Well, he's technically correct, there is parking as you pull into the site now, you do park towards Windsor Highway. With the plan that was approved by the planning board, we flipped the parking around, the parking is now going to be towards the fence closest to the pro shop. What we're asking for is an expansion of the parking lot back towards Windsor Highway so presently, if you were to pull in today, you'd be facing Windsor Highway, we're just asking to move closer to Windsor Highway another 22 feet.

MR. REIS: Not changing the grade or creating any water runoff to your neighbors?

MR. SHAW: No.

MR. KANE: The existing poles that they have now are 50 foot high too?

MR. SHAW: Yes, along the perimeter, that's with a variance from this board, I believe that was granted April 25 of 1990. And I may also point out in discussion with the planning board in their rejection of the site plan for this board that they were in favor of granting the variances and I use my words carefully because I know they are not the ZBA, but they did not feel it would be a hardship on the neighborhood or a gross violation of the zoning ordinance.

MR. NUGENT: My only concern was that somebody from the highway can drive down onto the parked cars.

MR. SHAW: They can do that right now.

MR. NUGENT: That's right, but that's for the planning board to address more so than us.

MR. REIS: Has the planning board brought anything up?

MR. SHAW: Regarding that, no, it was strictly a quick discussion with the planning board, knowing that they were going to reject this application, we didn't get into that kind of detail. But again, as I may point out, the cars are parked, parking on 32 now, what we're doing just saying can we park another 22 feet closer. If a car's going to go over the highway after the parking lot's expanded and hit a car, it can do it today, 22 feet does not make any difference.

MR. TORLEY: How are those other poles holding up?

MR. SHAW: One, believe it or not, snapped right in half with the winds of Hurricane Floyd as it came through, the netting lot of the netting has to be replaced. But for the most part, they have stood up for ten years.

MR. NUGENT: Further questions?

MR. TORLEY: Entertain a motion?

November 8, 1999

6

MR. NUGENT: I'll accept a motion.

MR. TORLEY: Move we set up Duffer's Hide-A-Way for public hearing on the requested variances.

MR. REIS: Second it.

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE.

MS. BARNHART: Greg, here's your paperwork.

MR. SHAW: Thank you.

**PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR**

*Rec'd.
P.B. 11/16/99*

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 49

Request of Gerald I. Impellittere

for a VARIANCE of the Zoning Local Law to Permit:

the expansion of the parking area with insufficient setback
to front lot line and exceeding the allowable development
coverage; erection of 3 poles exceeding allowable building height
being a VARIANCE of Section 48-21A(2) 48-9 and 48-12, Table Of
Use/Bulk Regulations, Columns I & L

for property situated as follows:

139 Windsor Highway

known and designated as tax map Section 9, **Blk.** 1 **Lot** 25.21

PUBLIC HEARING will take place on the 13th day of December, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

November 10, 1999

10

Gregory J. Shaw
744 Broadway
Newburgh, NY 12550

Re: 9-1-25.21

Dear Mr. Shaw:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$25.00

There is no remaining balance.

Sincerely,

Leslie Cook
Sole Assessor

/jgj
Attachments

Cc: Pat Barnhart, ZBA

Heritage Realty & Construction
C/o Anthony Clemenza
P.O. Box 284
Chester, NY 10918

Angelina Talmadge
154 Windsor Highway
New Windsor, NY 12553

Roman Catholic Church of St. Joseph
6 St. Joseph's Place
New Windsor, NY 12553

Denhoff Development Corp.
C/O Mike L. Denhoff
711 Third Ave 15th Floor
New York, NY 10017

Michael A. Calvet
P.O. Box 4333
New Windsor, NY 12553

Beverly A. Strack
114 Windsor Highway
New Windsor, NY 12553

Herbert H. Redl
80 Washington Street, Suite 310
Poughkeepsie, NY 12601

Joseph Kim Doo
425 Angola Rd.
Cornwall, NY 12518

Ernest H, Anne Louise, & Robert A.
Borchert Living Trusts
Lattintown Rd.
Marlboro, NY 12542

Patricia Delio
7 Franklin Ave
New Windsor, NY 12553

Pls. publish immediately. Send bill to Applicant @ below address.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 49

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for a VARIANCE of the Zoning Local Law to Permit:

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to front lot line and exceeding the allowable development
coverage; erection of 3 poles exceeding allowable building height
being a VARIANCE of Section 48-21A(2) 48-9 and 48-12, Table Of
Use/Bulk Regulations, Columns I & L

for property situated as follows:

139 Windsor Highway

known and designated as tax map Section 9, Blk. 1 Lot 25.21

PUBLIC HEARING will take place on the 13th day of December, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

By: Patricia A. Barnhart, Secy.

Date 1/8/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane DR.
Newburgh, N.Y. 12550

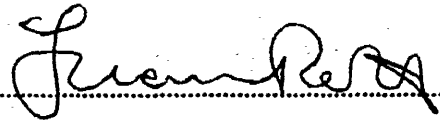
DATE			CLAIMED	ALLOWED
12/13/99	Zoning Board Mtg		75 00	
	Misc - 1			
	Farkas - 4 - 18.00.			
	Malazuk - 3 - 13.50.			
	DiBernardo - 6 - 27.00			
	Impellittiere - 6 - 27.00.			
	Accettura - 3 - 13.50.			
	<u>23</u>		<u>92 00</u>	
			167 00	
	<i>James Vignati</i>			

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day

of, 19

the within claim was audited and allowed
for the sum of

\$

Clerk

PUBLIC HEARINGIMPELLITTIERE, GERALD

MR. NUGENT: Referred by Planning Board for 22 ft. front yard variance for parking lot, 23 ft. maximum building height for poles and 5.5% developmental coverage for reconstruction of driving range enclosure and additional parking spaces at Duffer's Hide-A-Way on Windsor Highway in a C zone.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: Thank you, Mr. Chairman. For the record, my name is Gregory Shaw, I'm with Shaw Engineering. With me tonight is Gerald Impellittiere, who is the golf professional and owner of Duffer's Hide-A-Way. I don't know if the board has been by the site lately but you'll see that there's some construction activity going on. They are building a new golf tee enclosure to replace the previous one. The site is going through some renovations. In conjunction with that golf driving range enclosure, there are also some other improvements that Mr. Impellittiere would like to construct specifically an expansion of the parking area and three new poles with protective netting, with those require three variances from this board. Being in the C zone, the building height is limited to a maximum of 18 feet. The three poles we're proposing will be 50 feet high. They'll be identical to the poles that presently are located around the perimeter of the site and the variance was granted for those poles about ten years ago in 1990. So, the first variance would be a building height variance asking for a variance of 32 feet. The second variance would be a variance to Section 4821-A, I believe that's correct, of the zoning law which stipulates for a golf facility the parking area cannot be any closer than 25 feet from any property line. As you can see from the site plan that was submitted, we'll be expanding the parking area in a westerly direction towards the state right-of-way line of Route 32, we're asking for a variance I believe we'll end up approximately 3 feet from the property line at its nearest point so we'd be asking for a

variance of 22 feet. We will not be expanding the parking area to the north or to the south of the adjacent properties, only to the state right-of-way line. And the third variance we're asking for is an increase in the development coverage. Presently, the zoning ordinance allows a maximum of ten percent development coverage for a recreational facility. That is quite restrictive. Again, if you have been by the site, you'll see we have the golf driving range enclosure, batting cages, a small pro shop and some parking area, that's 14.4 percent. So we're over right now and that is a pre-existing non-conforming condition. With the expansion of the parking lot, we're going to be increasing that by 1.1 percent for a total of 15.5 percent development coverage. So, again, those are the three variances, one is for building height with respect to the three poles, allowing us to go from 18 feet to 50 feet, the second variance is to install a parking area within 25 feet of a property line and last is to increase the development coverage 1.1 percent from 14.4 to 15.5 percent.

MR. TORLEY: So you're asking to bring it down to the right?

MR. SHAW: I'm sorry?

MR. TORLEY: 5.5 percent variance to it makes it--

MR. BABCOCK: We went from total numbers, that's all.

MR. SHAW: I wanted the board to understand we're not looking for an increase of 5.5 cause it's 14.4 right now, it's really 1.1 increase due to the parking expansion.

MR. NUGENT: Greg, the three new 50 foot high poles, that is a protective netting from the, to keep the ball from going over to the miniature golf area?

MR. SHAW: Not really. What happens is the rear of the pro shop, Mr. Impellittiere gives lessons, and there are people walking around in that area. And with the golf driving range enclosure, the purpose of the protective netting is to protect those people that may

be in the back of the structure hitting golf balls, that's primarily it. And yes, a secondary benefit is for the mini storage facilities cause sometimes balls, especially if they're slicing to the right, can work their way over there.

MR. TORLEY: So, it's a safety issue?

MR. SHAW: Yes, a hundred percent safety issue.

MR. NUGENT: The shaded area on the drawing, that's the new area?

MR. SHAW: Correct.

MR. NUGENT: That will still be a substantial distance from Route 32.

MR. SHAW: At a scale of 1 inch equals 20, probably about 40 to 50 feet from the highway.

MR. NUGENT: Still from the highway, yes?

MR. SHAW: Yes.

MR. MC DONALD: That's with the additional 22 feet?

MR. SHAW: Correct, correct, after the parking lot is installed, maybe this is a better rephrasing it, it will still be 40 to 50 feet away from the edge of pavement.

MR. TORLEY: Fairly substantial grade difference there as well.

MR. SHAW: Yeah, it will vary, by the entranceway, you have about a three to four foot drop going to the south, you have about a 12 foot drop from the highway pavement to the parking lot pavement.

MR. TORLEY: Would you or your client be amenable to stipulating that should in the future the road be widened as we could do because it's their right-of-way that he would if necessary put in barriers to protect the parked cars from coming off the side of the road?

This is a future issue now, but if we grant a variance now, I want to have that, that if they do widen the road, you wouldn't have cars going 50 miles an hour 3 feet from somebody's bumper.

MR. SHAW: I would think that that's the DOT's responsibility. Right now, the cars are parking, if you look at page 2 of the drawings, the cars are parking facing Route 32. We got site plan approval so the cars are going to be flipped now parking towards the fence line. We're asking for an expansion to go back towards Route 32. So if there's a concern about a car going off the road okay, it's only 20 feet different than really today, okay, so I don't see the issue being any different after the parking lot is expanded to right now. In fact, maybe from another point of view, if a car's going to go off the road, maybe he'd be better off having to hit a car than continuing on towards the pro shop or recreational facilities, but I think that if a guardrail was warranted, the DOT would put it in and a guardrail's very expensive.

MR. TORLEY: Okay.

MR. SHAW: I mean, if you can live without it, I'd prefer to have it that way.

MR. REIS: Greg, with the expanding of the developmental coverage not creating any additional runoffs to your neighbors on either side, north or south?

MR. SHAW: No, no, the increase in the impervious area is rather minimal.

MR. REIS: Just for the record.

MR. KRIEGER: Not creating ponding or collection of water?

MR. SHAW: No.

MR. KRIEGER: Isn't built on the top of any water or sewer easement?

MR. SHAW: Correct.

MR. KRIEGER: The reason you have asked for the variance for the netting is that is the minimum netting you feel you need for safety purposes?

MR. SHAW: Absolutely, and anything of less height, cause again, the area that people would be located in is lower in elevation than the golf driving range area in height, so there's a vertical differential from one plain to the other, plus the height that a ball can rise also so yes, 50 feet is what we're required.

MR. KANE: Conforms to what you have now.

MR. SHAW: Correct and as they are structured, I may point out we're within all our setbacks, well within the front side and rear yard setbacks required by the zone, so it's just the building height or the structure height.

MR. NUGENT: Let the record show that there's no one in the audience to speak on this.

MS. BARNART: Although we have, I have an affidavit of service that states that we sent out 10 addressed envelopes containing the public hearing notice in accordance with the assessor's list and there's no one here.

MR. KRIEGER: It's a busy state highway bordered on, and it's a largely commercial neighborhood?

MR. SHAW: Yes, it is, and I may point out our neighbors are mini storage facility to the south, to the north and to the east is an apple orchard and immediately across the state highway is just a wooded area so there's no impact on the environment or on our neighbors for all intents and purposes, there are no immediate neighbors, other than just vacant land and apple orchards.

MR. REIS: Accept a motion?

December 13, 1999

20

MR. NUGENT: I will.

MR. REIS: I make a motion that we grant Mr. Impellittiere his requested variances.

MR. KANE: Second it.

ROLL CALL

MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. SHAW: Thank you.

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 99-32

DATE: 11-3-99

APPLICANT: Duffer's Hide-a-Way
Windsor Highway
New Windsor, NY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 11-1-99

FOR (SUBDIVISION - SITE PLAN)

LOCATED AT East side of Windsor Hwy

ZONE

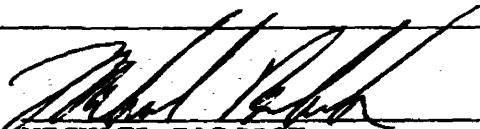
DESCRIPTION OF EXISTING SITE: SEC: 9 BLOCK: 1 LOT: 25.21

IS DISAPPROVED ON THE FOLLOWING GROUNDS: #1 MINIMUM SETBACK

OF PARKING AREA FROM ANY PROPERTY LINE.

#2 DEVELOPMENT COVERAGE

#3 MAX BUILDING HEIGHT



MICHAEL BABCOCK,
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>C</u> USE <u>A-17</u>		
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD <u>PARKING LOT</u> <u>25 FT</u>	<u>3 FT</u>	<u>22 FT</u>
REQ'D SIDE YD.		
REQ'D TOTAL SIDE YD.		
REQ'D REAR YD.		
REQ'D FRONTAGE		
MAX. BLDG. HT. <u>(POLES)</u> <u>18 FT</u>	<u>50 FT</u>	<u>32 FT</u>
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE <u>10</u> %	<u>15.5</u> %	<u>5.5</u> %
O/S PARKING SPACES		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

DUFFER'S HIDE-A-WAY SITE PLAN (99-29)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: This application is submitted as a two phase request, Phase 1 involves reconstruction of the driving range enclosure on the north side of the property as well as related site improvements. Phase 2 involves construction of an additional 20 parking spaces along the front of the site. Don't you need the 20 spaces for the enclosure?

MR. SHAW: No, and I'll get to that in a second. What we have elected to do is to break this application up into two phases, again, as I just explained, there's an existing enclosure now on the site. Mr. Impellitieri, who is the golf pro and owner of the property, what he'd like to do is to demolish the structure and construct a new golf driving range enclosure. It would be approximately the same size as that which exists, the same height and it would have the same setback distance.

MR. PETRO: Two stories or shoot off the roof of that?

MR. SHAW: Presently, you tee balls below and then there's an elevated tee, not part of the structure, two separate and distinct teeing areas, one inside the structure, one above it. With this new proposal, there will be one inside the structure, one on top of the structure, so basically, we're taking the two areas that are in close proximity incorporating them into one structure. With respect to compliance with the zoning and again, just for Phase 1, we're required to provide a 50 foot side yard setback. In this particular case, we're providing 16 feet. That's the existing side yard setback so we're treating that, we hope you would concur as an existing non-conforming condition.

MR. PETRO: Is the height changing, that's the existing building now, is the height going to be increased over that height?

MR. SHAW: The height is going to increase maybe but by

a foot, if that, but again, we would need a variance for that because we're allowed, if you'd bear with me, 18 feet and we're only going to be 12 feet.

MR. PETRO: With both stories?

MR. SHAW: Correct.

MR. PETRO: One story, an open top story?

MR. SHAW: Correct, with an open top, basically, you're going to be teeing balls off it, the lower level will be enclosed and the upper level will not. So with respect to do we have enough parking, again, we're treating that as an existing non-conforming condition. And we can jump back to Phase 1, I'd just like to touch on Phase 2 and then we can, you know, get into the details and phase. In Phase 2, what we'd like to do not only with the expansion of the golf driving range enclosure is to create more parking spaces and with those parking spaces, we're going to have to extend the parking area closer to Route 32. In your zoning ordinance, under Section 48-21 (a), the zoning law requires a minimum of 25 feet from the parking area to the nearest property line. We're going to be encroaching into that area. Additionally, there's a development coverage limitation of 10 percent, presently we're at 14.6 percent, but again, that's an existing non-conforming condition. But with the additional parking, we're going to be increasing that. We're going to be increasing it from 14.6 to 15.5, less than a one percent increase, but it will be an increase. So what we'd like to do is to ask this board for site plan approval for Phase 1 to allow the demolition of the structure and the construction of the structure this fall, and with that, a rejection on Phase 2 to allow us to go to the Zoning Board of Appeals to get a variance to build the parking area within 25 feet of the nearest property line and to increase the development coverage to a maximum of 15.5 percent as I said 9/10 of a percent increase from what's there now.

MR. LUCAS: How much closer are you going to be to the road?

MR. SHAW: If you look on the schedule. You'll see the existing is 112 feet--talking structure or the parking?

MR. LUCAS: Parking.

MR. SHAW: Parking will be within five feet.

MR. LUCAS: Retaining wall?

MR. SHAW: There's going to be a retaining wall, yes, not along the entire length, but maybe the southerly half.

MR. PETRO: Mark, this C zone you're allowed 10 percent coverage, that doesn't make too much sense.

MR. EDSALL: It doesn't make sense to me as well, but that's what's on the table.

MR. PETRO: On that whole property he's allowed 10 percent coverage?

MR. EDSALL: That's correct.

MR. PETRO: So when he goes to the zoning board, he's going to need relief from that and the property line or both?

MR. EDSALL: Yes, setback.

MR. PETRO: Realizing he's only increasing from 14 to 15.5, it's really, I think--

MR. ARGENIO: Ten percent seems low.

MR. PETRO: If I had a large piece of property like that and somebody said you can only use 10 percent, I wouldn't be happy.

MR. SHAW: In the zoning board, as they refer to courses and this is a golf driving range, it's a different beast, if you have a golf course, you have a hundred acre minimum, ten percent of a hundred acres you can work within that number but because there's no

specific definition for driving range, we had to put it in a golf course category and that kicked in the ten percent.

MR. PETRO: But it's not all course golf, not even all golf course related, you have batting cages, pro shop, office retail sales, seems like something should have been figured out so he didn't have to go in the category.

MR. ARGENIO: Do you need relief for Phase 2, you said for the parking area setback?

MR. SHAW: Correct, because of certain sections in your zoning law, 48-21 (a), we cannot put a parking area for a golf course within 25 feet of a property line.

MR. ARGENIO: And you do or do not need to for Phase 1?

MR. SHAW: We do not need it for Phase 1, but we do for Phase 2.

MR. PETRO: Let me ask you this, Mike, pay attention please, the plan as it's shown now the structure on this plan as it stands or the one you're going to build.

MR. SHAW: As it sits on drawing 1, which is an overall law layout of the site and drawing 3 that will be proposed, that's what we'd like to build. Drawing 2 is physically what's there now, so you can compare, so you can see where one structure is and where we're going to build the new structure.

MR. PETRO: One of the reasons I'm asking drawing number 3 so we're going to stamp a plan, it's going to be this plan, but the parking remains as is now?

MR. SHAW: Correct, there's no additional parking with Phase 1.

MR. PETRO: So we're only looking at Phase 1 now?

MR. SHAW: Correct, and the rejection of Phase 2 to allow us to go to the zoning board.

MR. EDSALL: That's the easiest way to handle it. What I have done, this is in comments under comments 3, 4, 5 and 6, I have outlined which of those comments apply to what phases, so you can take action specific for the phases that are involved.

MR. PETRO: Well, I would suggest to the board what with we'll do is go through our procedure, starting with lead agency for Phase 1 which will be in only for the demolition and construction of the new building for the teeing of the golf balls, nothing to do with parking whatsoever.

MR. EDSALL: Jim--

MR. LUCAS: I'll put that into a motion.

MR. EDSALL: For the SEQRA, as I say in comment 1, you've got to do it for the total project because you're going to assume lead agency, say we're going to be lead agency for everything, because you don't want to segment it, which is a bad word under SEQRA, then you can make a decision for the finding separately.

MR. PETRO: Make that as a motion.

MR. LUCAS: For the lead agency for the whole project.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Duffer's Hide-A-Way site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. LANDER: Mr. Shaw, one question, are you going to use the same foundation for this building?

MR. SHAW: No, it's going to be in a slightly different location. The structure right now, as I said before, is 112 feet from the property line. This one's going to be 100 feet from the property line, so it's going to be entirely new construction.

MR. LANDER: So you're making it larger?

MR. SHAW: I'm not sure if I'm making it larger because as I pull it back, they are pretty close in dimension.

MR. PETRO: Next decision here is on the public hearing and again, at this point, we can only look at the public hearing on this structure because we have to have, it has to go to the zoning board cause we can't do a public hearing anyway on the other one, so just at the structure as far as public hearing would be required.

MR. ARGENIO: For Phase 1, is that correct?

MR. PETRO: For Phase 1 only, which Phase 1 is the structure only and this is permitted use in the zone.

MR. BABCOCK: Yes.

MR. PETRO: And we have, what's on the other side, what's lands of Kim, what's there?

MR. SHAW: On the south side is the Safety Storage and on the north side are the apple orchards, I think they're apples.

MR. EDSALL: Yes.

MR. LUCAS: East side is also the orchard.

MR. PETRO: It's already existing, I think it's almost a renovation as far as I'm concerned.

MR. SHAW: That's all it is.

MR. PETRO: I don't see it as a major threat.

MR. SHAW: Just trying to upgrade and improve the facilities.

MR. PETRO: Taking it down and putting it back up.

MR. SHAW: Yeah, new, modern structure.

MR. LUCAS: Well, we have to distinguish ourselves between the two phases.

MR. PETRO: Only for the building for the public hearing.

MR. LUCAS: So what do we need?

MR. PETRO: Motion to waive the public hearing.

MR. LUCAS: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the Duffer's Hide-A-Way site plan on 32. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: Now, as far as the negative dec goes, again we're going to do it for the whole project.

MR. EDSALL: You can only deal with Phase 1 at this point and I think you already have discussed that the magnitude is very minor, it's more of a reconstruction, so I would think there's no significant impact to consider.

MR. PETRO: Motion to declare negative dec.

MR. LANDER: So moved.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec under the SEQR process. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: We have highway approval on 10/8/99 and we have fire approval on 10/13/99. And again, this is for the Phase 1 part of the project which once again is for the construction or reconstruction of the driving range building and nothing to do with the parking lot that's to be constructed. Is there a motion for final approval and this would be subject to a bond estimate being submitted to the New Windsor engineer for site plan?

MR. LUCAS: Make it.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Duffer's Hide-A-Way site plan for the construction of the teeing building, new golf driving range enclosure that's shown on the map subject to the bond estimate being submitted. Is there any further discussion from the board members? The DOT is not involved, we're not changing anything out front, right, with the curb cut?

MR. SHAW: No, we're not.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LUCAS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

MR. PETRO: On to the second part of the application, he also wants to construct a parking lot which encroaches the front yard setback, which is required by law to be greater than what he has and what was the other portion of it?

MR. SHAW: To increase the zone coverage.

MR. PETRO: 14 to 15 percent, approximately, so with that, we need a motion for final approval.

MR. LUCAS: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Duffer's Hide-A-Way site plan on Route 32. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. BRESNAN	NO
MR. LUCAS	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for the necessary variances. Once you have received those variances and wish to appear before this board again, you may do so.

MR. EDSALL: Mr. Chairman, it may help them to have something in the record relative to the two variances, if you think they are appropriate, cause I know the ZBA

asked Mike, Mike and I discussed it, normally, the 25 foot setback for parking lots is really meant to protect residential properties which normally in many cases surround recreational golf courses and so on, the 25 foot setback is against the state highway, so I don't believe that that same concern exists and relative to the development coverage, the board may want to let the zoning board know that you have, you believe it's important to ensure that there's adequate parking so parking doesn't start to occur on the state highway. So if you concur, that will be in the minutes and it may help them with conveying that.

MR. PETRO: So noted and we concur.

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Garard Impellitteri/Duffus
Applicant.

99-49.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on 11/16/99, I compared the 10 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
___ day of ___, 19__.

Notary Public

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-49

Date: Nov. 10, 1999

I. Applicant Information:

- (a) Gerald I. Impellittere 139 Windsor Highway New Windsor, NY
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Gregory J. Shaw, P.E. 744 Broadway Newburgh NY 561-3695
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. Property Information:

S9 B1 L25.21

- (a) C 139 Windsor Highway-NYS Route 32 6.76 Ac.
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-2 NC R-4
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1985
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? Yes
If so, when? 1989
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No
- _____

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes x No .

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. I & L.
48-21A Use/Bulk A(2) Parking Areas

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. <u>18 Feet</u>	<u>50 Feet</u>	<u>32 Feet (Poles)</u>
Min. Floor Area* _____	_____	_____
Dev. Coverage* <u>10 %</u> %	<u>15.5 %</u> %	<u>5.5 %</u> %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____
Parking Area Setback <u>25 Feet</u>	<u>3 Feet</u>	<u>22 Feet</u>
* Residential Districts only		
** No-residential districts only		

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

See Attached

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

See Attached Site Plan

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$150 and the second check in the amount of \$500, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: November 10, 1999

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Linda A. Ricotta
 LINDA A. RICOTTA
 NOTARY PUBLIC, State of New York
 No. 4083463
 Qualified in Dutchess County
 Term Expires 5-4-2001

Sworn to before me this

12th day of November, 1999.

Gerald I. I. Pellittiere
 (Applicant)

Gerald I. I. Pellittiere

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Applicant: Gerald I. Impellittiere
Duffer's Hide-a-Way

On October 13, 1999, the Applicant, Gerald I. Impellittiere appeared before the New Windsor Planning Board, and received Site Plan Approval to replace the existing golf driving range enclosure at Duffer's Hide-A-Way. This Application was Phase 1 of the proposed improvements to upgrade the recreational facility to better service its customers.

Also at the October 13th Planning Board meeting, the Board denied the Phase 2 improvements for the facility. These improvements consisted of the expansion of the parking area towards Windsor Highway (NYS Route 32), and the erection of three 50 foot high poles that are needed to support protective netting. This denial resulted in this Variance Application to the Zoning Board of Appeals. The requested Variances are as follows:

- ♦ Erecting structures (poles) in excess of the allowable building height of 18 feet
- ♦ Exceeding the Development Coverage of 10%
- ♦ Constructing a parking area within 25 feet of a property line

The subject property is in the C Zone and abuts an apple orchard to the north and east, a min-storage facility to the south, and is opposite a wooded area owned by St. Joseph's School to the west. The granting of the three Variances will not impact the neighborhood, nor will it have a detrimental effect on the community.

The 50 foot high poles will support protective netting that is necessary to protect customers of the facility from errant tee shots. The poles will be similar to the existing poles that are presently located along the perimeter of the property. A Variance was obtained for the existing poles in 1989. The 3 new poles, which are considered structures by the New Windsor Zoning Ordinance, will be well within the minimum setbacks from the front, side and rear property lines.

It is reasonable to expect that the construction of the new golf driving range enclosure (Phase 1) will attract new customers to Duffer's Hide-A-Way. To provide off-street parking for these new customers, it is necessary to expand the existing parking area located immediately adjacent to Windsor Highway. Twenty new spaces are proposed on the west side of the existing parking area.

Section 48-21A of the Zoning Ordinance requires that the parking area of a recreation facility have a minimum setback distance of 25 feet from any property line. While this setback is reasonable, there is no adverse impact in allowing this expansion. The encroachment is only towards a state highway and not toward an abutting property. The granting of the Variance will insure that the customers will not park on the shoulder of the state highway during the busy days of the spring months.

The Zoning Ordinance limits the Development Coverage for a recreational facility in a C Zone to 10 %, which is quite restrictive. Presently Duffer's Hide-A-Way has a Development Coverage of 14.4 %. The expansion of the parking area will result in a new Development Coverage of 15.5%, an increase of 1.1%. This increase is minimal in light of the very restrictive 10% Development Coverage. The benefit of granting this Variance has been presented above.

The granting of the subject 3 Variances is not substantial when considering the size and configuration of the parcel. The granting of the Variances is not detrimental to the health, safety, or welfare of the neighborhood since the property is located in the C Zone and is a permitted use. The granting of the Variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Gerald I. Impellittiere	2. PROJECT NAME Parking Lot Expansion For Duffer's
3. PROJECT LOCATION: Municipality Town Of New Windsor County Orange Hide-A-Way	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 139 Windsor Highway	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: The expansion of the existing parking area to create 20 new spaces and the erection of three 50 foot high poles	
7. AMOUNT OF LAND AFFECTED: Initially 6.76 acres Ultimately 6.76 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals New Windsor Planning Board - Site Plan Approval	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Gerald I. Impellittiere Date: Nov. 10, 1999	
Signature: Gregory J. Shaw, P.E.	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: No C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: No C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: No C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: No C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: No C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: No C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: No	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Town Of New Windsor Zoning Board Of Appeals

Name of Lead Agency

James Nugent

Print or Type Name of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Proposer (if different from responsible officer)

Date

RWK:ek
26,275

053792

9-1-25.21

Standard N.Y. S.T.C. Form 6000, Revised 8-1-80, 1st Ed.
Not to be used without proper filing - See N.Y. S.T.C. Form 6000

DATE MADE

JULIAN BLUMBERG, INC., LAW OFFICE, P.O. BOX 1000

RD-33-13029

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 21st day of February, nineteen hundred and Eighty-Five
BETWEEN BARBARA O. FORESTIERE WEBBER, JENNY INGRAO, ANNA GENTILE
and ANNA BURNS, c/o Drake, Sommers, Loeb and Tarshis, P.C., 873
Union Ave., Newburgh, N.Y. 12550

part of the first part, and GERARD I. IMPELLITTIERE, JR.
residing at 46 Oakwood
Terrace, New Windsor, N.Y. 12550

part of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, more particularly bounded and described as follows:

BEGINNING at a wood stake in the Southeastern line of New York State Highway 32, which point is the Northeast corner of lands of Rankin, thence along the lands of Rankin and the so-called Williams lot owned by the party of the first part South 45° 48' 50" East 842.41 feet to a stake found in the line of lands of Borchert, which line is marked by a stone wall; thence North 19° 23' 30" East 400.59 feet thru the middle of said stone wall to a point marked by a cut on a boulder; thence North 42° 39' 30" West along the center of a stone wall 531.68 feet to an iron pipe set; thence continuing along said stone wall North 49° 16' 30" West 182.48 feet to an iron pipe set in the South-easterly line of New York State Highway 32; thence along the Southeasterly line of New York State Highway 32 South 38° 25' 15" West 383.82 feet to the point of beginning.

BEING the same premises conveyed by Andrew P. Bivona, as Referee to Barbara O. Forestiere Webber, Jenny Ingrao, Anna Gentile and Anna Burns by Deed dated May 14, 1984 and recorded in the Orange County Clerk's Office on June 7, 1984 in liber 2285 of Deeds at page 799.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

ANNA BURNS

BARBARA O. FORESTIERE WEBBER

JENNY INGRAO

ANNA GENTILE

2346 150

PUBLIC NOTICE OF HEARING
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 49

Request of Gerald I. Impellittiere

for a VARIANCE of the Zoning Local Law to Permit:

the expansion of the parking area with insufficient setback

to front lot line and exceeding the allowable development
coverage; erection of 3 poles exceeding allowable building height
being a VARIANCE of Section 48-21A(2) 48-9 and 48-12, Table of
Use/Bulk Regulations, Columns I & L

for property situated as follows:

139 Windsor Highway

known and designated as tax map Section 9, Blk. 1 Lot 25.21

PUBLIC HEARING will take place on the 13th day of December, 1999 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal: #49

Request of GERARD I. IMPELLITTIERE, JR./DUFFER'S HIDE-A-WAY

for a VARIANCE of the Zoning Local Law to Permit:

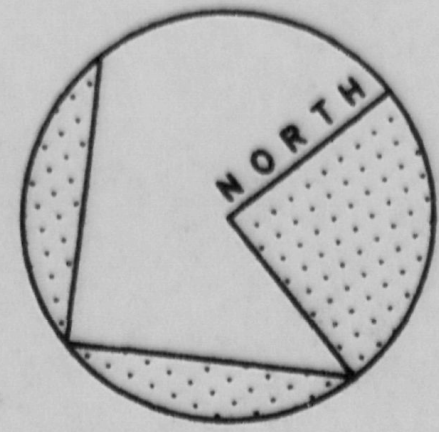
Reconstruction of driving range enclosure on n/s of property and construction of 20 additional parking spaces;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regulations, Cols. E, I, L, for property situated as follows:

139 Windsor Highway, New Windsor, N. Y.,
known as tax lot Section 9 Block 1 Lot 25.21.

THE HEARING will take place on the 22nd day of November, 1999 at the New Windsor Town Hall, Courtroom, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock p.m.

James Nugent, Chairman



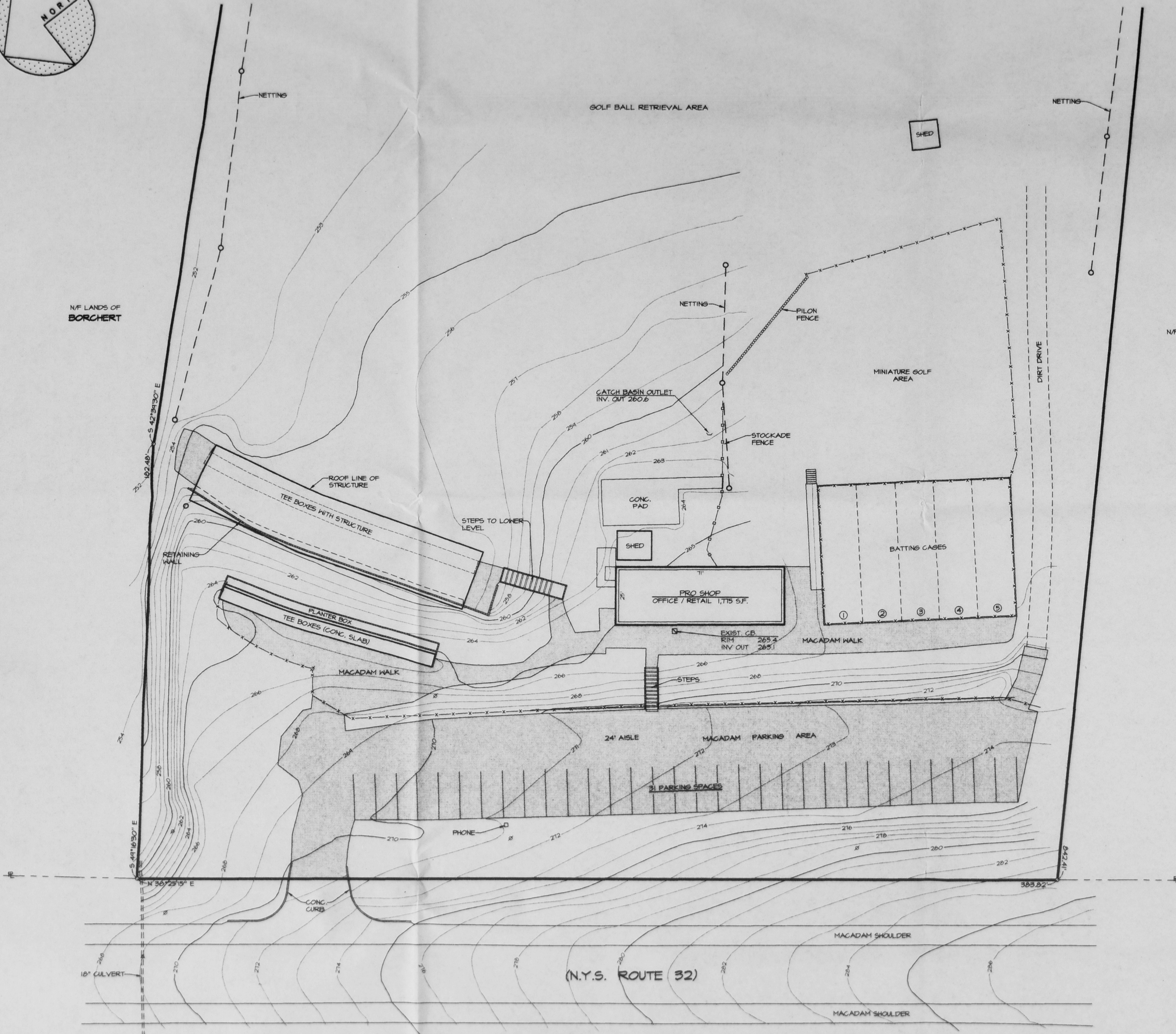
N/E LANDS OF
BORCHERT

GOLF BALL RETRIEVAL AREA

SHED

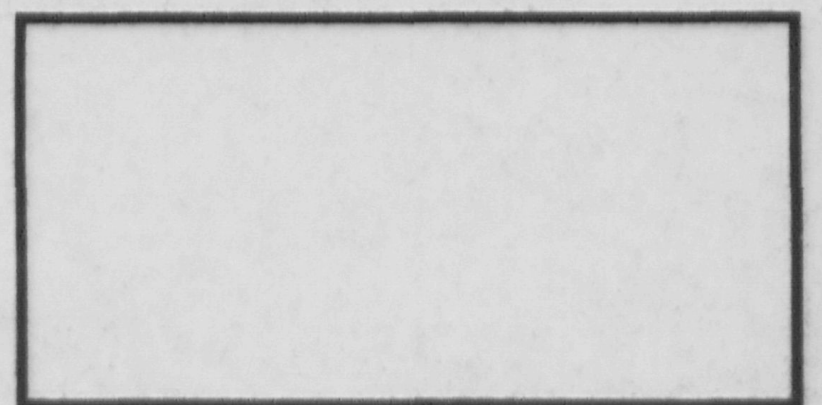
NETTING


N/E LANDS OF
KIM



LEGEND	
EXISTING	
275	1' CONTOUR
275	5' CONTOUR
---	BOUNDARY
---	ADJ. PROPERTY LINE
CB	CATCH BASIN
U	UTILITY POLE
---	CHAIN LINK FENCE
MACADAM	MACADAM PAVEMENT

TOWN OF NEW WINDSOR PLANNING BOARD
STAMP OF APPROVAL





Shaw Engineering
Consulting Engineers
744 Broadway
Newburgh N.Y. 12550

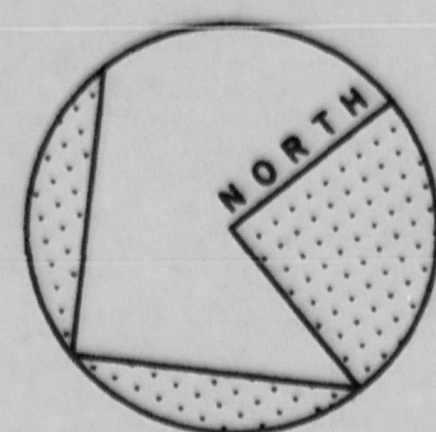
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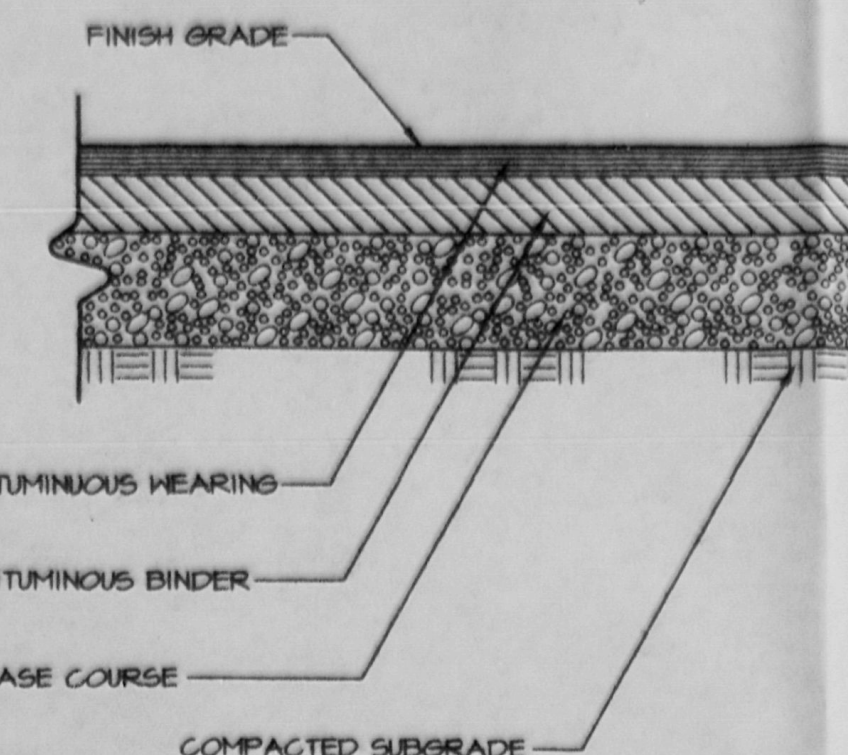
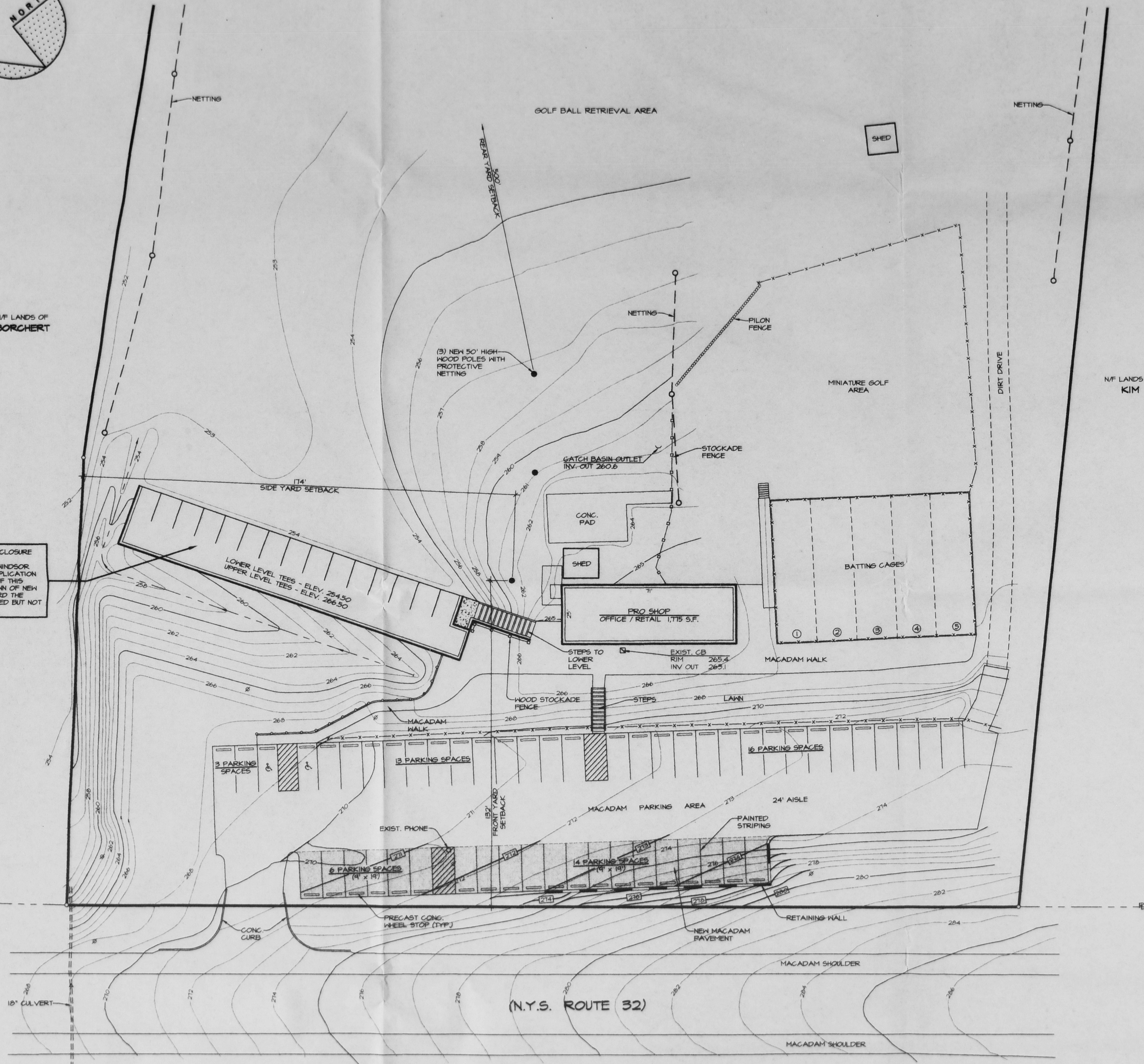
ISSUE	REVISION	DATE

Drawn By: J.R.J.	Drawing: EXISTING CONDITIONS PLAN	2 OF 3
Checked By: G.J.S.	Project: PARKING LOT EXPANSION - PHASE 2 - FOR DUFFER'S HIDE-A-WAY, INC.	
Scale: 1"=20'	Date: 10-29-1999	Project No. 9912



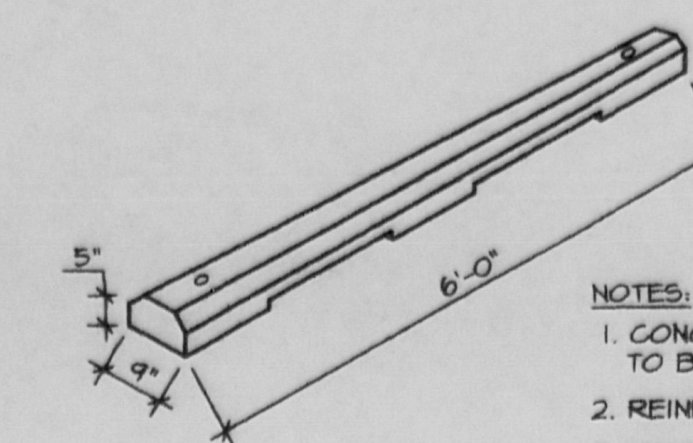
N/F LANDS OF
BORCHERT

GOLF DRIVING RANGE ENCLOSURE
(1 STORY - 2 LEVELS)
APPROVED BY THE NEW WINDSOR
PLANNING BOARD AS APPLICATION
NO. 98-291. AT THE TIME OF THIS
APPLICATION TO THE TOWN OF NEW
WINDSOR PLANNING BOARD THE
STRUCTURE WAS APPROVED BUT NOT
CONSTRUCTED.



ON - SITE ASPHALT PAVEMENT
NOT TO SCALE

LEGEND	
EXISTING	NEW
275 1' CONTOUR	275 FINISHED GRADE
275 5' CONTOUR	50' HIGH WOOD POLE
BOUNDARY	MACADAM PAVEMENT
ADJ. PROPERTY LINE	
CATCH BASIN	
UTILITY POLE	
CHAIN LINK FENCE	



WHEEL STOP DETAIL
NOT TO SCALE

NOTES:
1. CONCRETE MINIMUM STRENGTH
TO BE 4000 PSI AT 28 DAYS.
2. REINFORCEMENT - #4 REBAR.
3. MANUFACTURED BY WOODARD'S
CONCRETE PRODUCTS, INC.

TOWN OF NEW WINDSOR PLANNING BOARD
STAMP OF APPROVAL



Shaw Engineering
Consulting Engineers
744 Broadway
Newburgh N.Y. 12550

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ISSUE	REVISION	DATE

Drawn By: J.R.J.	Drawing: SITE PLAN	3 OF 3
Checked By: G.J.S.	Project: PARKING LOT EXPANSION - PHASE 2 - FOR DUFFER'S HIDE-A-WAY, INC.	
Scale: 1"=20'	Date: 10-29-1999	
TOWN OF NEW WINDSOR, N.Y.		Project No. 9912